

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLEN ALLEN NORTON,

Petitioner,

v.

Case No. 18-10009
Honorable David M. Lawson

THOMAS WINN,

Respondent.

/

**OPINION AND ORDER SUMMARILY DISMISSING
THE PETITION FOR WRIT OF HABEAS CORPUS**

The petitioner, Glen Allen Norton, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 with this Court. On January 3, 2018, Magistrate Judge R. Steven Whalen entered an “Order to Correct Deficiency,” directing the petitioner to provide two copies of his petition for writ of habeas corpus so that the Clerk of the Court may effect service upon the respondent and the Michigan Attorney General’s Office. The habeas rules require the Clerk of the Court to serve a copy of the habeas petition and a copy of any order requiring responsive pleadings on the respondent and on the Attorney General for the State of Michigan by first class mail as provided in Rule 4 of the Rules Governing § 2254 Cases. *See Coffee v. Harry*, 04-71209-DT, 2005 WL 1861943, * at 2 (E.D. Mich. Aug. 2, 2005). Failure to provide these copies to the Clerk of the Court renders a habeas application deficient and subject to dismissal for want of prosecution. *See e.g. Moore v. Hawley*, 7 F. Supp. 2d 901, 903 (E.D. Mich. 1998); *Gravitt v. Tyszkiewicz*, 14 F. App’x 348, 349 (6th Cir. 2001)(unpublished). The petitioner was given thirty days to comply with the order and warned that failure to comply with the order could result in dismissal of his action. The petitioner did not file copies of his petition, and the time to do so has expired. The Court therefore will dismiss without

prejudice the petition for writ of habeas corpus.

Accordingly, it is **ORDERED** that the petition for writ of habeas corpus [dkt # 1] is **DISMISSED WITHOUT PREJUDICE**. If the petitioner desires to pursue habeas relief in this Court, he may submit a new habeas petition with the correct number of copies and payment of the filing fee or an application to proceed *in forma pauperis*.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 28, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 28, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI